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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,408	06/23/2003	Lawrence J. Mika	60655.1000	4181
20322	7590	06/07/2005	EXAMINER	
SNELL & WILMER ONE ARIZONA CENTER 400 EAST VAN BUREN PHOENIX, AZ 850040001			OSBORNE, LUKE R	
			ART UNIT	PAPER NUMBER
			2163	

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/603,408

Applicant(s)

MIKA, LAWRENCE J.

Examiner

Luke Osborne

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Status

1. Claims 1-6 have been presented for reconsideration in view of Applicant's arguments. Claims 7-10 have been added. Claims 1-10 are now pending in instant application.

Response to Arguments

Arguments Found Persuasive

2. Applicant's arguments dated 3/28/05 have been fully considered. The following Rejections/Objections/Advisements are substantially withdrawn and the arguments to such are persuasive. The Examiners response is as follows.

3. Applicant's amendment to the **Specification, Claim informalities, Drawings** is acknowledged, consequently, the **Rejection(s) / Objection(s) / Advisement(s)** regarding the content listed above has been **withdrawn**.

Examiner's Remarks

4. The claims may be amended by canceling particular claims, by presenting new claims, or by rewriting particular claims as indicated in 37 CFR 1.121(c). The requirements of 37 CFR 1.111(b) **must be** complied with by pointing out the specific

Art Unit: 2163

distinctions believed to render the claims patentable over the references in presenting arguments in support of **new** claims and amendments (emphasis added). [MPEP § 714.02]

5. Examiner notes that prompt development of a clear issue requires that the replies of Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP § 608.04. In order to make a full determination regarding a new matter situation for any future amendments Examiner respectfully requests such support be shown.

Arguments Found Not Persuasive

6. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Rejections Based on Applicant's Amendment

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Art Unit: 2163

7. Claim 8 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 8 is rejected due to new matter. Examiner has found no support in the disclosure as a whole for the claim. The claimed limitations recited in claim 8 of [creating a second source of a predetermined type], [writing said data to said second source], [saving said second source] raise the issue of new matter, find no support in the specification, therefore claim 8 stands rejected.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 1-6, 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Coleman of record.

Regarding claim 1, Colman discloses a computer-implemented method for facilitating the translation of files between formats. See figures 2B and 3 and the

Art Unit: 2163

corresponding portions of Colman's specification for this teaching. In particular, Colman discloses "A method for facilitating the translation of files comprising:

- establishing, via a host computer, definitions comprising at least one of sorting criteria, filter criteria, data range, file format, [the present invention can also be used to perform conversions of the file formats] accounting codes, and formatting criteria [adjusting the formatting] [Column 6, lines 9-24];
- creating, via said host computer, an interface file including said definitions [Figure 3, item 202];
- reading, via said host computer, data from a first source [Figure 3, item 212];
- reading, via said host computer, said definitions contained in said interface file [Figure 3, item 202]; and
- translating, via said host computer, said data from said first source according to said definitions contained in said interface file [Figure 3, item 216]" as claimed.

Regarding claim 2, Colman discloses the method of claim 1 "wherein said establishing step comprises:

- receiving¹ information regarding a type of said interface file to be created;
- receiving data regarding a desired file format; and

¹ Examiner notes the amendment to claim 2 changing entering (which requires the user as disclosed) to receiving, receiving has been interpreted as –receiving user—as is consistent with the specification.

Art Unit: 2163

- receiving formatting data regarding a format of said data being translated

[In order to begin the data conversion process, a user is first required to input information regarding the input data in input data format and the desired output data format for the converted data. (Column 8, lines 21-24)]” as claimed.

Regarding claim 3, Colman discloses the method of claim 2 “wherein said receiving formatting data step comprises: entering said formatting data for each field of said data being translated [Thus, here the user specifies the data format of the input environment including all of the tables or units and all of the parts or fields of the respective records in each of the respective tables. (Column 8, lines 50-53)]” as claimed.

Regarding claim 4, Colman discloses the method of claim 3, “wherein said formatting data comprises:

- a field name;
- a description;
- a length of the field;
- an indicator of fixed-width/variable width status;
- a mask to force data into a particular style;
- justification information;
- position information; and

– element information [Thus, here the user specifies the data format of the input environment including all of the tables or units and all of the parts or fields of the respective records in each of the respective tables. (Column 8, lines 50-53)] [The present invention also includes a data mapping object for records which utilize this field definition referred to herein as parts. Parts define the actual interworkings of a record, i.e., the type, the size, and the format of a respective record. In the example described above, the parts of the above employee data record would be the name field, the social security number field, the salary field, the date of birth field, etc. (Column 8, lines 5-11)]” as claimed.

Regarding claim 5, Colman discloses the method of claim 4 “wherein said element information comprises:

- information regarding a type of said data in said field, wherein said information comprises at least one of:
 - a calculated expression;
 - a static table entry;
 - alphanumeric information; and
 - a query [Thus, here the user specifies the data format of the input environment including all of the tables or units and all of the parts or fields of the respective records in each of the respective tables. (Column 8, lines 50-53)] [The present invention also includes a data mapping object for records which utilize this field definition referred to herein as parts. Parts define the actual

interworkings of a record, i.e., the type, the size, and the format of a respective record. In the example described above, the parts of the above employee data record would be the name field, the social security number field, the salary field, the date of birth field, etc. (Column 8, lines 5-11)].

Regarding claim 6, Colman discloses the method of claim 2 “further comprising:

- selecting a template file as a starting point for creating the interface file [Figure 3, item 200 - 202];
 - entering data regarding a sorting preference [Figure 3, item 204 - 208];
- and
- entering data regarding a filtering preference.” as claimed. [Figure 3, item 204 - 208]

Regarding claim 8, Colman discloses the method of claim 1 “wherein said translating step further comprises:

creating a second source of a predetermined type;
writing said data to said second source; and,
saving said second source [In step 218 the converted output data is stored in a destination medium. It is noted that this destination medium may be the same medium on which the input data was stored or may be a new medium (second source)]” as claimed

Art Unit: 2163

Regarding claim 9, Colman discloses the method of claim 1 "wherein said step of establishing definitions further comprises establishing definitions having a property relating to a data field [the present invention can also be used to perform conversions of the file formats ... adjusting the formatting (Column 6, lines 9-24)]" as claimed.

Regarding claim 10, Colman discloses the method of claim 9 "wherein said property includes at least on of

- field name, description, status, length flag, length, minimum length, maximum length, format mask, justification, pad character, quote, delimiter flag, start position, end position, counter interment flag, element, query field, static table entry, counter, fixed test, expression, character function and common expression [the present invention uses field definition data objects referred to as parts which define the inner workings of a record, i.e., the type, the size, and the format, etc. of each field in a record (Column 2, line 57- Column 3, line 5)]" as claimed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman in view of Free On-Line Dictionary of Computing definition of the term "wizard" <<http://foldoc.doc.ic.ac.uk/foldoc/foldoc.cgi?wizard>> printed 6/1/05, created (1998-09-07) hereafter "FOLDOC".

Regarding claim 7, Coleman discloses the method of claim 1 "wherein said step of establishing definitions comprises establishing definitions based upon a user via a user interface. [Coleman:]

Coleman, does not expressly teach that the [step of establishing definition comprises establishing definition based upon **a response to a question presented to a user** via a user interface (emphasis added)].

FOLDOC teaches the use of a "wizard" or [FOLDOC: an interactive help utility that guides the user through a potentially complex task ... (4th definition)]

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the "wizard" functionality as disclosed by FOLDOC with the system as described by Coleman.

The motivation for doing so would have been to allow an average user (one without particular knowledge of the complexities of a system as required by Coleman Figure 3, items 204-208) to perform expertly as disclosed by FOLDOC [4th definition, lines 3-5].

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke Osborne whose telephone number is (571) 272-4027. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2163

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LRO
6/2/05



UYEN LE
PRIMARY EXAMINER